

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

08 CRIM.

365

-----X
UNITED STATES OF AMERICA

- v. -

: INDICTMENT

VIKTOR BOUT,

: 08 Cr.

a/k/a "Boris,"

a/k/a "Victor Anatoliyevich Bout,"

a/k/a "Victor But,"

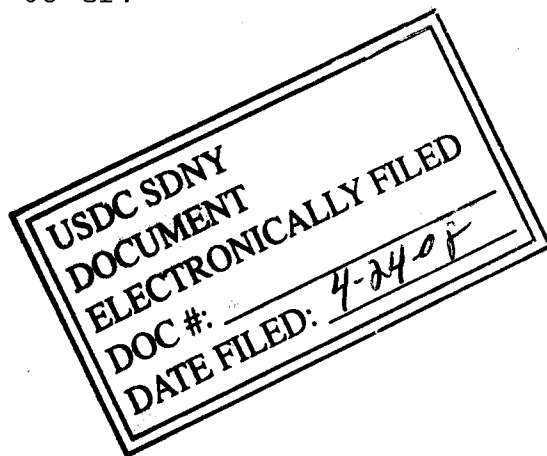
a/k/a "Viktor Budd,"

a/k/a "Viktor Butt,"

a/k/a "Viktor Bulakin,"

a/k/a "Vadim Markovich Aminov,"

Defendant.



-----X
COUNT ONE

CONSPIRACY TO KILL UNITED STATES NATIONALS

The Grand Jury charges:

BACKGROUND TO THE CONSPIRACY

The Defendant

1. Since in or about the 1990s, VIKTOR BOUT, a/k/a "Boris," a/k/a "Victor Anatoliyevich Bout," a/k/a "Victor But," a/k/a "Viktor Budd," a/k/a "Viktor Butt," a/k/a "Viktor Bulakin," a/k/a "Vadim Markovich Aminov," the defendant, has been an international weapons trafficker. In 2004, as a result of his weapons trafficking activities in Liberia, the United States Office of Foreign Assets Control within the Department of Treasury ("OFAC") placed BOUT on the Specially Designated Nationals list, which prohibits any transactions between BOUT and any U.S. nationals, and freezes any of BOUT's assets that are

JUDGE SCHENDELIN

within the jurisdiction of the United States. In 2005, OFAC also placed 30 companies and 4 individuals linked to BOUT on the Specially Designated Nationals list.

2. To carry out his weapons-trafficking business, VIKTOR BOUT, a/k/a "Boris," a/k/a "Victor Anatoliyevich Bout," a/k/a "Victor But," a/k/a "Viktor Budd," a/k/a "Viktor Butt," a/k/a "Viktor Bulakin," a/k/a "Vadim Markovich Aminov," the defendant, assembled a fleet of cargo airplanes capable of transporting weapons and military equipment to various parts of the world, including Africa, South America and the Middle East. To provide cover for his illicit arms transactions, BOUT developed an international network of front companies, and used his cargo airplanes to deliver lawful goods, such as food and medical supplies, in addition to arms.

*Fuerzas Armadas
Revolucionarias de Colombia*

3. From in or about 1964 until on or about the date of filing of this Indictment, the Fuerzas Armadas Revolucionarias de Colombia (hereinafter, the "FARC") has been and is an international terrorist group dedicated to the violent overthrow of the democratically elected Government of Colombia. Since its inception, while continuing to engage in bombings, massacres, kidnappings, and other acts of violence within Colombia, the FARC also evolved into the world's largest supplier of cocaine. In October 1997, the United States Secretary of State designated the

FARC as a foreign terrorist organization pursuant to Section 219 of the Immigration and Nationality Act. The Secretary of State redesignated the FARC as a foreign terrorist organization on October 2, 2003, and October 11, 2005. As of the date of filing of this Indictment, the FARC is designated as a foreign terrorist organization. The European Union also has designated the FARC as a terrorist organization.

4. During at least the five years prior to the date of filing of this Indictment, the FARC has directed violent acts against United States persons and property interests in foreign jurisdictions, including, but not limited to, Colombia. In order to protect its financial interests in the cocaine trade, the FARC leadership ordered its members to take counter measures against the Government of Colombia's cocaine fumigation campaign, including, among other actions: attempting to shoot down fumigation aircraft; forcing members and supporters to publicly rally against fumigation; and attacking Colombian infrastructure. Having recognized that the United States contributed significantly to Colombian fumigation efforts, the FARC leadership ordered FARC members to kidnap and murder United States citizens and to attack United States interests in order to dissuade the United States from continuing its efforts to fumigate and disrupt the FARC's cocaine and cocaine paste manufacturing and distribution activities.

5. The FARC's violent acts directed against the United States and United States interests have included: (1) the murder of United States nationals; (2) the kidnapping of United States nationals; and (3) the bombing of a restaurant in Bogota, Colombia, frequented by United States nationals.

THE CONSPIRACY TO KILL UNITED STATES NATIONALS

6. From at least in or about November 2007, up to and including in or about March 2008, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, VIKTOR BOUT, a/k/a "Boris," a/k/a "Victor Anatoliyevich Bout," a/k/a "Victor But," a/k/a "Viktor Budd," a/k/a "Viktor Butt," a/k/a "Viktor Bulakin," a/k/a "Vadim Markovich Aminov," the defendant, who will be first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully and knowingly combined, conspired, confederated and agreed together and with each other to kill nationals of the United States, in violation of Title 18, United States Code, Section 2332(b).

7. It was a part and an object of the conspiracy that VIKTOR BOUT, a/k/a "Boris," a/k/a "Victor Anatoliyevich Bout," a/k/a "Victor But," a/k/a "Viktor Budd," a/k/a "Viktor Butt," a/k/a "Viktor Bulakin," a/k/a "Vadim Markovich Aminov," the defendant, and others known and unknown, agreed to provide the

FARC with millions of dollars' worth of weapons to be used, among other things, to kill nationals of the United States in Colombia.

Overt Acts

8. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed:

a. On or about January 10, 2008, and on or about January 11, 2008, an unnamed co-conspirator ("CC-1") of VIKTOR BOUT, a/k/a "Boris," a/k/a "Victor Anatoliyevich Bout," a/k/a "Victor But," a/k/a "Viktor Budd," a/k/a "Viktor Butt," a/k/a "Viktor Bulakin," a/k/a "Vadim Markovich Aminov," the defendant, met with three confidential sources working with the United States Drug Enforcement Administration (the "DEA") in Curacao, Netherlands Antilles, to discuss the sale of millions of dollars' worth of weapons to the FARC. (The confidential sources will, hereinafter, be referred to as "CS-1," "CS-2," "CS-3" or, collectively, as "CSs").

b. On or about January 10, 2008, CS-2 and CS-3 told CC-1 that they represented the FARC, and that the FARC needed weapons to fight against the United States in Colombia.

c. On or about January 11, 2008, CS-2 and CS-3 provided CC-1 with \$5,000 in cash as compensation for CC-1's travel and expenses incurred in meeting with CS-2 and CS-3.

d. On or about January 21, 2008, CC-1 met with BOUT in Moscow, Russia, to discuss the arms deal with the FARC proposed by CS-2 and CS-3.

e. On or about January 22, 2008, and January 23, 2008, CC-1 met with CS-1 and CS-2 in Copenhagen, Denmark, to discuss CC-1's recent meeting with BOUT in Moscow, Russia, regarding the arms deal.

f. On or about January 22, 2008, during a meeting in Denmark, CC-1 told CS-1 that BOUT had instructed CC-1 to set up a meeting to discuss the arms deal.

g. On or about January 23, 2008, during a meeting in Denmark, CC-1 told CS-2 that the weapons supplier CC-1 had been talking about was BOUT, and then spelled BOUT's last name and told CS-2 that BOUT was known as the "merchant of death."

h. On or about January 23, 2008, during a meeting in Denmark, CC-1 informed CS-2 that, during his meeting with BOUT in Russia, BOUT had shown CC-1 photographs of senior officers in the FARC and asked CC-1 to identify CS-2 and CS-3 from the photographs.

i. On or about January 23, 2008, during a meeting in Denmark, CC-1 advised CS-1 and CS-2, in coded language, that 100 surface-to-air missiles were available immediately.

j. On or about January 23, 2008, during a meeting in Denmark, CC-1 advised CS-1 and CS-2 that a delivery system was

already in place for the arms and that the arms could be airdropped with great accuracy.

k. On or about January 26, 2008, CC-1 traveled with CS-1 to Bucharest, Romania, to meet with CS-2 and CS-3 to further discuss the arms deal with the FARC.

l. From on or about January 26, 2008, through on or about February 7, 2008, CC-1 had a series of meetings with the CSs in Bucharest, Romania, where they continued to discuss the arms deal with BOUT.

m. On or about January 26, 2008, during a meeting with the CSs in Romania, CC-1 handed his cellphone to CS-3, and CS-3 and BOUT then spoke for several minutes about meeting in person to discuss the arms deal.

n. On or about January 26, 2008, during a meeting with the CSs in Romania, CC-1 informed the CSs that BOUT had 100 Igla surface-to-air missiles available immediately.

o. On or about January 26, 2008, during a meeting with the CSs in Romania, CC-1 showed the CSs photographs of Igla surface-to-air missiles on his laptop computer, which listed the specifications of the missiles.

p. On or about January 26, 2008, during a meeting with the CSs in Romania, CC-1 advised the CSs that BOUT could provide special helicopters that are superior to U.S. helicopters, as well as training for using the helicopters.

q. On or about January 26, 2008, during a meeting with the CSs in Romania, CC-1 informed the CSs that the weapons they had been discussing were in Bulgaria, and it would cost \$5 million to transport them.

r. On or about January 27, 2008, during a meeting with CS-1 and CS-2 in Romania, CC-1 advised that BOUT could provide armor-piercing rocket launchers, pictures of which CC-1 showed CS-1 and CS-2 on a laptop computer.

s. On or about January 28, 2008, during a meeting with CS-1 and CS-2 in Romania, CC-1 provided CS-2 with a digital memory stick that contained an article about BOUT, and documents containing photographs and specifications for the Igla surface-to-air missiles and armor-piercing rocket launchers that CC-1 had previously said BOUT could provide.

t. On or about January 30, 2008, CC-1 called BOUT from Romania, and they discussed the arms deal, including the \$5 million transportation fee.

u. On or about February 4, 2008, during a meeting with CS-2 in Romania, CC-1 advised CS-2 that BOUT could airdrop the weapons over Colombian territory.

v. On or about February 4, 2008, during a meeting with CS-2 in Romania, CC-1 discussed the current troop levels of the FARC and the number of weapons needed to fully arm the FARC.

w. On or about February 7, 2008, during a meeting with CS-2 in Romania, CC-1 called BOUT so that BOUT and CS-2 could speak directly about the arms deal.

x. On or about February 7, 2008, BOUT spoke with CS-2 over the telephone about the arms deal, and BOUT indicated that he was interested in meeting to discuss the arms deal in the coming weeks.

y. On or about February 7, 2008, during a meeting in Romania, CS-2 provided CC-1 with an email address (the "Email Address") for BOUT and CC-1 to use to contact CS-2 in the future.

z. On or about February 12, 2008, CS-2 received an email at the Email Address from BOUT indicating that CS-2 could use the sending email address to communicate with BOUT.

aa. On or about February 18, 2008, CS-2 received an email at the Email Address from CC-1 asking, in coded language, if CS-2 had received the email from BOUT.

bb. Between on or about February 21, 2008, and on or about February 25, 2008, BOUT spoke with CS-2 over the telephone approximately three times, and indicated that he would meet CS-2 and CS-3 in Bangkok, Thailand on March 6, 2008 to discuss the arms deal.

cc. On or about March 6, 2008, BOUT, CC-1, and an unnamed associate of BOUT's met with CS-2 and CS-3 at a hotel in

Bangkok, Thailand for approximately two hours to discuss the details of the arms deal.

dd. On or about March 6, 2008, during the meeting in Thailand, BOUT expressed his sympathies to CS-2 for the recent deaths of two FARC commanders.

ee. On or about March 6, 2008, during the meeting in Thailand, BOUT indicated that he understood that CS-2 and CS-3 wanted the arms for use against U.S. forces in Colombia, and advised that the United States was also his enemy.

ff. On or about March 6, 2008, during the meeting in Thailand, when CS-2 and CS-3 advised BOUT that the FARC needed anti-aircraft weapons to kill American pilots, BOUT said that he was going to prepare everything the FARC needed.

gg. On or about March 6, 2008, during the meeting in Thailand, after CS-3 explained that the FARC wanted to kill American forces in Colombia, BOUT indicated that the fight against the United States was also his fight and that he intended to supply the FARC with arms.

hh. On or about March 6, 2008, during the meeting in Thailand, BOUT indicated that he could supply the FARC with the following arms and vehicles: (1) 700 to 800 surface-to-air missiles; (2) 5,000 AK-47 firearms; (3) millions of rounds of ammunition; (4) various Russian spare parts for rifles; (5) anti-personnel land mines and C-4 explosives; (6) night-vision

equipment; (7) "ultralight" airplanes, which could be outfitted with grenade launchers and missiles; and (8) unmanned aerial vehicles, which have a range of 200 to 300 kilometers.

ii. On or about March 6, 2008, during the meeting in Thailand, BOUT offered to provide people to train the FARC in the use of the arms.

jj. On or about March 6, 2008, during the meeting in Thailand, BOUT stated that he could arrange to airdrop the arms to the FARC in Colombia, and drew a diagram for CS-2 and CS-3 to explain the delivery route.

kk. On or about March 6, 2008, during the meeting in Thailand, BOUT provided CS-2 and CS-3 with a map of South America, and asked CS-2 and CS-3 to show him American radar locations in Colombia.

ll. On or about March 6, 2008, during the meeting in Thailand, BOUT offered to sell two cargo planes to the FARC that could be used for arms deliveries, and showed CS-2 and CS-3 a pamphlet describing one of the cargo planes.

mm. On or about March 6, 2008, during the meeting in Thailand, when CS-2 asked BOUT how much money BOUT would need to begin supplying the arms, BOUT said that it would cost at least fifteen or twenty million, without specifying a currency.

nn. On or about March 6, 2008, during the meeting in Thailand, BOUT discussed potential locations for his next meeting with the CSs, including Panama, Nicaragua, and Moldova.

(Title 18, United States Code, Sections 2332(b) and 3238.)

COUNT TWO

CONSPIRACY TO KILL OFFICERS AND EMPLOYEES OF THE UNITED STATES

The Grand Jury further charges:

9. The allegations set forth in Paragraphs One through Five above are incorporated by reference as if set forth fully herein.

10. From at least in or about November 2007, up to and including in or about March 2008, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, VIKTOR BOUT, a/k/a "Boris," a/k/a "Victor Anatoliyevich Bout," a/k/a "Victor But," a/k/a "Viktor Budd," a/k/a "Viktor Butt," a/k/a "Viktor Bulakin," a/k/a "Vadim Markovich Aminov," the defendant, who will be first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully and knowingly combined, conspired, confederated and agreed together and with each other to kill officers and employees of the United States, while such officers and employees were engaged in and on account of the performance of official duties, and any person assisting such officers and employees in the performance of such duties and on

account of that assistance, in violation of Title 18, United States Code, Section 1114.

11. It was a part and an object of the conspiracy that VIKTOR BOUT, a/k/a "Boris," a/k/a "Victor Anatoliyevich Bout," a/k/a "Victor But," a/k/a "Viktor Budd," a/k/a "Viktor Butt," a/k/a "Viktor Bulakin," a/k/a "Vadim Markovich Aminov," the defendant, and others known and unknown, agreed to provide the FARC with millions of dollars' worth of weapons to be used, among other things, to kill officers and employees of the United States, and persons assisting such officers and employees in the performance of official duties, in Colombia.

Overt Acts

12. In furtherance of the conspiracy and to effect the illegal object thereof, VIKTOR BOUT, a/k/a "Boris," a/k/a "Victor Anatoliyevich Bout," a/k/a "Victor But," a/k/a "Viktor Budd," a/k/a "Viktor Butt," a/k/a "Viktor Bulakin," a/k/a "Vadim Markovich Aminov," the defendant, and others known and unknown, committed the overt acts set forth in Count One of this Indictment, which are fully incorporated by reference herein.

(Title 18, United States Code, Sections 1114, 1117, and 3238.)

COUNT THREE

CONSPIRACY TO ACQUIRE AND USE ANTI-AIRCRAFT MISSILES

The Grand Jury further charges:

13. The allegations set forth in Paragraphs One through Five above are incorporated by reference as if set forth fully herein.

14. From at least in or about November 2007, up to and including in or about March 2008, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, VIKTOR BOUT, a/k/a "Boris," a/k/a "Victor Anatoliyevich Bout," a/k/a "Victor But," a/k/a "Viktor Budd," a/k/a "Viktor Butt," a/k/a "Viktor Bulakin," a/k/a "Vadim Markovich Aminov," the defendant, who will be first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate and agree together and with each other to produce, construct, otherwise acquire, transfer directly and indirectly, receive, possess, import, and use (1) an explosive and incendiary rocket and missile that is guided by a system designed to enable the rocket and missile to seek and proceed toward energy radiated and reflected from an aircraft and toward an image locating an aircraft, and otherwise direct and guide the rocket and missile to an aircraft; (2) a device designed and intended to launch and guide said rocket and missile; and (3) a

part and combination of parts designed and redesigned for use in assembling and fabricating said rocket, missile, and device.

15. It was a part and an object of the conspiracy that VIKTOR BOUT, a/k/a "Boris," a/k/a "Victor Anatoliyevich Bout," a/k/a "Victor But," a/k/a "Viktor Budd," a/k/a "Viktor Butt," a/k/a "Viktor Bulakin," a/k/a "Vadim Markovich Aminov," the defendant, and others known and unknown, agreed to acquire and export surface-to-air missile systems to enable the FARC to attack United States aircraft in Colombia, in violation of Title 18, United States Code, Section 2332g.

Overt Acts

16. In furtherance of the conspiracy and to effect the illegal object thereof, VIKTOR BOUT, a/k/a "Boris," a/k/a "Victor Anatoliyevich Bout," a/k/a "Victor But," a/k/a "Viktor Budd," a/k/a "Viktor Butt," a/k/a "Viktor Bulakin," a/k/a "Vadim Markovich Aminov," the defendant, and others known and unknown, committed the overt acts set forth in Count One of this Indictment, which are fully incorporated by reference herein.

(Title 18, United States Code,
Sections 2332g(a)(1), (b), and 3238.)

COUNT FOUR

CONSPIRACY TO PROVIDE MATERIAL SUPPORT OR
RESOURCES TO A FOREIGN TERRORIST ORGANIZATION

The Grand Jury further charges:

17. The allegations set forth in Paragraphs One through Five above are incorporated by reference as if set forth fully herein.

18. From at least in or about November 2007, up to and including in or about March 2008, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, VIKTOR BOUT, a/k/a "Boris," a/k/a "Victor Anatoliyevich Bout," a/k/a "Victor But," a/k/a "Viktor Budd," a/k/a "Viktor Butt," a/k/a "Viktor Bulakin," a/k/a "Vadim Markovich Aminov," the defendant, who will be first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate and agree together and with each other to provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), to a foreign terrorist organization, to wit, the FARC, which was designated by the United States Secretary of State as a foreign terrorist organization in October 1997, pursuant to Section 219 of the Immigration and Nationality Act, was redesignated as such on October 2, 2003, and October 11, 2005, and is currently designated as such, as of the date of filing of this Indictment.

19. It was a part and an object of the conspiracy that VIKTOR BOUT, a/k/a "Boris," a/k/a "Victor Anatoliyevich Bout," a/k/a "Victor But," a/k/a "Viktor Budd," a/k/a "Viktor Butt," a/k/a "Viktor Bulakin," a/k/a "Vadim Markovich Aminov," the defendant, and others known and unknown, agreed to provide the FARC with millions of dollars' worth of weapons for the FARC to use to protect their cocaine trafficking business and to attack United States interests in Colombia, knowing that the FARC had engaged and was engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), and that the FARC had engaged and was engaging in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), in violation of Title 18, United States Code, Section 2339B.

Overt Acts

20. In furtherance of the conspiracy and to effect the illegal object thereof, VIKTOR BOUT, a/k/a "Boris," a/k/a "Victor Anatoliyevich Bout," a/k/a "Victor But," a/k/a "Viktor Budd," a/k/a "Viktor Butt," a/k/a "Viktor Bulakin," a/k/a "Vadim Markovich Aminov," the defendant, and others known and unknown, committed the overt acts set forth in Count One of this Indictment, which are fully incorporated by reference herein.

(Title 18, United States Code,
Sections 2339B(a)(1), (d)(1) and 3238).

FORFEITURE ALLEGATIONS

21. The allegations contained in Counts One, Two, Three, and Four of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(G), and Title 28, United States Code, Section 2461(c).

22. The violations of Title 18, United States Code, Sections 2332(b), 1114, 2332g, and 2339B alleged in Counts One, Two, Three, and Four of this Indictment were Federal crimes of terrorism, as defined in 18 U.S.C. § 2332b(g)(5), against the United States, citizens and residents of the United States, and their property.


23. VIKTOR BOUT, a/k/a "Boris," a/k/a "Victor Anatoliyevich Bout," a/k/a "Victor But," a/k/a "Viktor Budd," a/k/a "Viktor Butt," a/k/a "Viktor Bulakin," a/k/a "Vadim Markovich Aminov," the defendant, was an individual engaged in planning and perpetrating a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property.

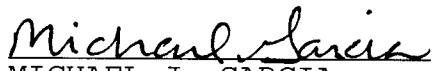
24. Upon conviction of any of the offenses in violation of Title 18, United States Code, Sections 2332(b), 1114, 2332g, and 2339B alleged in Counts One, Two, Three, and Four of this Indictment, VIKTOR BOUT, a/k/a "Boris," a/k/a "Victor Anatoliyevich Bout," a/k/a "Victor But," a/k/a "Viktor

Budd," a/k/a "Viktor Butt," a/k/a "Viktor Bulakin," a/k/a "Vadim Markovich Aminov," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(G)(i), and Title 28, United States Code, Section 2461(c), all right, title, and interest in all assets, foreign and domestic, derived from, involved in, and used and intended to be used to commit a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property.

25. Upon conviction of any of the offenses in violation of Title 18, United States Code, Sections 2332(b), 1114, 2332g, and 2339B alleged in Counts One, Two, Three, and Four of this Indictment, VIKTOR BOUT, a/k/a "Boris," a/k/a "Victor Anatoliyevich Bout," a/k/a "Victor But," a/k/a "Viktor Budd," a/k/a "Viktor Butt," a/k/a "Viktor Bulakin," a/k/a "Vadim Markovich Aminov," the defendant, shall pay to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(G), and Title 28, United States Code, Section 2461(c), a money judgment equal to the value of the assets subject to forfeiture under Paragraphs 21 through 24 above.

(Title 18, United States Code, Section 981(a)(1)(G) and Title 28, United States Code, Section 2461(c).)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney